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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,674	Applicant(s) RUIZ ET AL.	
	Examiner Jeffrey L. Gellner	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassenboehler et al. (US 6,030,906) in view of Vanier (US 6,061,954).

As to Claim 1, Hassenboehler et al. discloses a protective cover ("protective apparel" of col. 4 line 2) comprising a fibrous nonwoven fabric ("first layer" of col. 5 lines 5-8) formed from fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) made of thermoplastic polymer (col. 5 line 7) with retarding properties ("barrier properties" of col. 4 line 60) with a portion exhibiting the ability to modify the ripening (defined as blocking heat loss at night which would quicken fruit ripening). Not disclosed is the cover sized to fit around an associated agricultural product. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63).

As to Claim 3, Hassenboehler et al. in view of Vanier further disclose a fabric with a basis weight of between 10-100 g/m sq (Hassenboehler et al. at col. 5 line 10; 1 oz/yard sq.).

As to Claim 4, Hassenboehler et al. in view of Vanier further disclose a staple length fiber (Hassenboehler et al. at col. 5 line 11 when the fiber is cellulose-based and natural as the first layer - see col. 5 lines 25-26).

As to Claim 5, Hassenboehler et al. in view of Vanier further disclose the fabric spunbound polymeric (Hassenboehler et al. at col. 5 line 8).

As to Claim 6, Hassenboehler et al. in view of Vanier further disclose the fabric being one piece and having an edge (Vanier at Fig. 3).

As to Claims 7 and 8, Hassenboehler et al. in view of Vanier further disclose a tie ("tie" of Vanier at Fig. 1) for affixing the cover to the product.

As to Claim 9, the limitations of Claim 1 are disclosed as described above. Not disclosed is the cover with a seam joining edges by sewing. Examiner takes official notice that it is old and notoriously well known in the horticultural arts to use covers with sewn seams to protect plants. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Hassenboehler et al. as modified by Vanier by adding a sewn seam as a means of changing size.

As to Claim 10, Hassenboehler et al. in view of Vanier further disclose a reinforcing scrim (defined as "cellulose-based natural staple fibers" of col. 5 line 11 of Hassenboehler et al.).

As to Claim 11, Hassenboehler et al. in view of Vanier further disclose a porous polymeric film layer ("third layer" of Hassenboehler et al. at col. 5 line 17).

As to Claim 12, Hassenboehler et al. in view of Vanier further disclose a UV-protective (inherent in any manmade thermoplastic).

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As to Claim 13, Hassenboehler et al. in view of Vanier further disclose a melt-additive polymer (defined as “meltblown” of Hassenboehler et al. at col. 5 lines 18-19).

As to Claim 14, Hassenboehler et al. in view of Vanier further disclose a fiber surface treatment (defined as “other and additional like layers” of Hassenboehler et al. at col. 5 lines 25-26).

As to Claim 15, Hassenboehler et al. in view of Vanier further disclose a topical treatment (defined as “other and additional like layers” of Hassenboehler et al. at col. 5 lines 25-26).

As to Claim 16, Hassenboehler et al. discloses a protective cover (“protective apparel” of col. 4 line 2) comprising a fibrous nonwoven fabric (“first layer” of col. 5 lines 5-8) formed from fibrous and/or filamentary elements (“fibrous material” of col. 5 lines 5-8) made of thermoplastic polymer (col. 5 line 7) with retarding properties (“barrier properties” of col. 4 line 60) and exhibiting the ability to modify the ripening (the cover would inherently block or alter some light wavelengths and, hence, alter light transmission). Not disclosed is the cover sized to fit around an associated agricultural product. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63).

As to Claim 17, Hassenboehler et al. discloses a protective cover (“protective apparel” of col. 4 line 2) comprising a fibrous nonwoven fabric (“first layer” of col. 5 lines 5-8) formed from

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fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) made of thermoplastic polymer (col. 5 line 7) with retarding properties ("barrier properties" of col. 4 line 60). Not disclosed is the cover sized to fit around an associated agricultural product and exhibiting the ability to modify fruit ripening. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1) and exhibiting the ability to modify fruit ripening (perforations disclosed in Figs. 1 and 3; col. 5 lines 14-24) by venting. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63).

As to Claim 18, Hassenboehler et al. discloses a protective cover ("protective apparel" of col. 4 line 2) comprising a fibrous nonwoven fabric ("first layer" of col. 5 lines 5-8) formed from fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) made of thermoplastic polymer (col. 5 line 7) with retarding properties ("barrier properties" of col. 4 line 60) and exhibiting the ability to modify the ripening (the cover would inherently block or alter some light wavelengths and, hence, alter light transmission). Not disclosed is the cover sized to fit around an associated agricultural product. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-

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63). The cover of Hassenboehler et al. as modified by Vanier inherently perform the method steps recited in Claim 18.

As to Claim 19, Hassenboehler et al. in view of Vanier further disclose a staple length fiber (Hassenboehler et al. at col. 5 line 11 when the fiber is cellulose-based and natural as the first layer - see col. 5 lines 25-26).

As to Claim 20, Hassenboehler et al. in view of Vanier further disclose hydroentangled staple length fibers (Hassenboehler et al. at col. 5 line 11 and col. 6 line 11).

As to Claim 22, Hassenboehler et al. in view of Vanier further disclose a substantially continuous filament (inherent in Hassenboehler et al.).

As to Claim 23, Hassenboehler et al. discloses a protective cover ("protective apparel" of col. 4 line 2) comprising a fibrous nonwoven fabric ("first layer" of col. 5 lines 5-8) formed from fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) made of thermoplastic polymer (col. 5 line 7) with retarding properties ("barrier properties" of col. 4 line 60). Not disclosed is the cover sized to fit around an associated agricultural product as a tube. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1) shape as a tube (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63). The cover of Hassenboehler et al. as modified by Vanier inherently perform the method steps recited in Claim 23.

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As to Claim 24, the limitations of Claim 23 are disclosed as described above. Not disclosed is the cover with the edges sewn together. Examiner takes official notice that it is old and notoriously well known in the horticultural arts to use covers with sewn edges to make the tube shape so as to protect plants. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Hassenboehler et al. as modified by Vanier by adding a sewing the edges so as to create a tube.

As to Claim 25, Hassenboehler et al. discloses a protective cover ("protective apparel" of col. 4 line 2) comprising a fibrous nonwoven fabric ("first layer" of col. 5 lines 5-8) formed from fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) with retarding properties ("barrier properties" of col. 4 line 60). Not disclosed is the cover formed from a sheet, sized to fit around an associated agricultural product and exhibiting the ability to modify fruit ripening. Vanier, however, discloses the use of a cover formed from a sheet (Fig. 3), sized to fit around an associated agricultural product (1 of Fig. 1), and exhibiting the ability to modify fruit ripening (perforations disclosed in Figs. 1 and 3; col. 5 lines 14-24) by venting. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63). The cover of Hassenboehler et al. as modified by Vanier inherently perform the method steps recited in Claim 25.

As to Claim 26, Hassenboehler et al. discloses a protective cover ("protective apparel" of col. 4 line 2) comprising a fibrous nonwoven fabric ("first layer" of col. 5 lines 5-8) formed from fibrous and/or filamentary elements ("fibrous material" of col. 5 lines 5-8) made of thermoplastic

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polymer (col. 5 line 7) with retarding properties ("barrier properties" of col. 4 line 60). Not disclosed is the cover a tube, sized to fit around an associated agricultural product and exhibiting the ability to modify fruit ripening. Vanier, however, discloses the use of a cover in the form of a tube (Fig. 1), sized to fit around an associated agricultural product (1 of Fig. 1), and exhibiting the ability to modify fruit ripening (perforations disclosed in Figs. 1 and 3; col. 5 lines 14-24) by venting. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Hassenboehler et al. by using with an associated agricultural product as disclosed by Vanier so as because of the covers unique pore size, breathability, and barrier properties (see Hassenboehler et al. at col. 4 lines 54-63). The cover of Hassenboehler et al. as modified by Vanier inherently perform the method steps recited in Claim 26.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassenboehler et al. (US 6,030,906) in view of Vanier (US 6,061,954) in view of Kajander et al. (US 5,091,240).

As to Claim 21, the limitations of Claim 18 are disclosed as described above. Not disclosed is the fabric comprising adhesive-bonded fibrous material. Kajander et al., however, disclose the use of an adhesive in a fabric (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Hassenboehler et al. as modified by Vanier by using a adhesive as disclosed by Kajander et al. to bind fibers within a layer (see Kajander et al. at abstract).

Claims 1, 3,4, 6-8 , 16-19, 22,23,25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (JP 8-89100) in view of Vanier (US 6,061,954).

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As to Claims 1, 16, and 17, Matsunaga et al. discloses a protective cover (title in English) comprising a fibrous nonwoven fabric (“abstract in English) formed from thermoplastic polymers (abstract in English), and a portion exhibiting the ability to modify the ripening (“light screening” of abstract in English) by alteration of the light transmittance (1 of Fig. 1) or venting of volatile ripening chemistries (2 of Fig. 1). Not disclosed is the cover sized to fit around an associated agricultural product. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the protective cover of Matsunaga et al. by using with an associated agricultural product as disclosed by Vanier so as to have a sheet with excellent air permeability and light screening properties (see Matsunaga et al. at abstract in English).

As to Claim 3, the limitations of Claim 1 are disclosed as described above. Not disclosed is the fabric with a basis weight from 10-100 gr/meter sq. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Matsunaga et al. as modified by Vanier by having a basis weight of from 10-100 gr/meter sq. so as to meet a particular purpose.

As to Claim 4, Matsunaga et al. as modified by Vanier further disclose a staple length fiber (Matsunaga et al. at abstract in English).

As to Claims 7 and 8, Matsunaga et al. in view of Vanier further disclose a tie (“tie” of Vanier at Fig. 1) for affixing the cover to the product.

As to Claims 18 and 25, Matsunaga et al. discloses a protective cover (see title in English) comprising a fibrous nonwoven fabric (abstract written in English) formed from fibrous and/or filamentary elements (abstract in English) made of thermoplastic polymer (abstract in English) with finite length and width (see Fig. 1) with light modifying regions (1 of Fig. 1) and exhibiting the ability to modify the ripening (the cover would inherently change ripening by altering light transmission). Not disclosed is the cover sized to fit around an associated agricultural product as a tube. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product as a tube (1 of Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Matsunaga et al. by using with an associated agricultural product as disclosed by Vanier so as to have a cover for a agricultural product with excellent tear strength (see Matsunaga et al. at abstract in English). The cover of Matsunaga et al. as modified by Vanier inherently perform the method steps recited in Claim 18.

As to Claim 19, Matsunaga et al. as modified by Vanier further disclose a polymeric staple length fiber (Matsunaga et al. at abstract written in English).

As to Claim 22, Matsunaga et al. as modified by Vanier further disclose a polymeric staple length fiber (inherent in Matsunaga et al. at abstract written in English).

As to Claims 23 and 26, Matsunaga et al. discloses a protective cover (abstract in English) comprising a fibrous nonwoven fabric (abstract in English) formed from fibrous and/or filamentary elements (abstract in English) made of thermoplastic polymer (abstract in English) with light modifying regions (1 of Fig. 1). Not disclosed is the cover sized to fit around an

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associated agricultural product as a tube. Vanier, however, discloses the use of a cover sized to fit around an associated agricultural product (1 of Fig. 1) shape as a tube (Fig. 1) and it is inherent that a sheet is made into a tube by joining together edges. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the cover of Matsunaga et al. by using with an associated agricultural product as disclosed by Vanier so as to cover an agricultural product with a tube of excellent tear strength (see Matsunaga et al. at abstract in English). The cover of Matsunaga et al. as modified by Vanier inherently perform the method steps recited in Claims 23 and 26.

Claims 5, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (JP 8-89100) in view of Vanier (US 6,061,954) in further view of Yamamura (JP7-274741).

As to Claim 5, the limitations of Claim 1 are disclosed as described above. Not disclosed is the cover with made of spunbond polymeric material. Yamamura, however, discloses a cover with made of spunbond polymeric material (abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Matsunaga et al. as modified by Vanier spunbonding as disclosed by Yamamura so that the wefts may cross the warps (see Yamamura at abstract written in English).

As to Claim 12, the limitations of Claim 1 are disclosed as described above. Not disclosed is the cover with an enhancing agent. Yamamura, however, discloses a cover with made with an enhancing agent (“metachromatic colorant” of abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further

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modify the cover of Matsunaga et al. as modified by Vanier by adding a colorant as disclosed by Yamamura so that the cover can reversibly change the shading ration (see Yamamura at abstract written in English).

As to Claim 14, Matsunaga et al. as modified by Vanier as further modified by Yamamura further disclose a surface treatment ("immersing" of Yamamura at abstract).

Claims 9, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (JP 8-89100) in view of Vanier (US 6,061,954) in further view of Hori et al. (JP 8-298883).

As to Claim 9, the limitations of Claim 1 are disclosed as described above. Not disclosed is the fabric with at least one seam joining edge portions by adhesive bonding. Hori et al., however, discloses a seam joined by adhesive (abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Matsunaga et al. as modified by Vanier by joining a seam by adhesive as disclosed by Hori et al. so as to provide for effective cover (see Hori et al. at abstract written in English).

As to Claim 21, the limitations of Claim 18 are disclosed as described above. Not disclosed is the adhesive bonded fibrous material. Hori et al., however, discloses a cover of adhesive bonded fabric material (abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method of Matsunaga et al. as modified by Vanier by using adhesive bonded fibrous material as disclosed by Hori et al. so as to provide for effective cover (see Hori et al. at abstract written in English).

As to Claim 24, the limitations of Claim 23 are disclosed as described above. Not disclosed is use of an adhesive to bond the edges. Hori et al., however, discloses sheets bonded

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by adhesive (abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method of Matsunaga et al. as modified by Vanier by using adhesive to make the tube as disclosed by Hori et al. so as to provide for effective cover (see Hori et al. at abstract written in English).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (JP 8-89100) in view of Vanier (US 6,061,954) in further view of Tokuhiko (JP 6-207359).

As to Claim 11, the limitations of Claim 1 are disclosed as described above. Not disclosed is the cover with porous polymeric film layer. Tokuhiko, however, discloses a porous polymeric film layer (“2nd thermoplastic resin layer” which is “air permeable” of abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the cover of Matsunaga et al. as modified by Vanier by adding a joining a seam by adhesive as disclosed by Tokuhiko so as fabric with high mechanical strength (see Tokuhiko at abstract written in English).

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga et al. (JP 8-89100) in view of Vanier (US 6,061,954) in further view of Umemura et al. (JP2000-17016).

As to Claim 12, the limitations of Claim 1 are disclosed as described above. Not disclosed is the cover with an enhancing agent. Umemura et al., however, discloses a cover with made with an enhancing agent (“UV absorbing” of abstract written in English). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the

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cover of Matsunaga et al. as modified by Vanier by adding a UV absorbing agent as disclosed by Umemura et al. so that the cover can block harmful UV rays.

As to Claim 13, Matsunaga et al. as modified by Vanier as further modified by Umemura et al. further disclose a melt-additive agent (“extruded in the hot molten state” of Umemura et al. at abstract).

Response to Arguments

Applicant's arguments filed 17 November 2003 have been fully considered but they are not persuasive. The Applicant's arguments are: (1) Hassenboehler et al.'s protective cover is specifically related to medical applications and one of ordinary skill in the art would not contemplate use of its disclosure for formation of a protective cover for agricultural products, and, in fact, the characteristics touted by Hassenboehler et al. can for some applications be detrimental for the controlled ripening of agricultural products (Remarks page 9 last para.; page 13 lines 1-6); and, (2) the instant Application is specific to thermoplastic polymers and Hassenboehler et al. is specifically limited to use of cellulose material (Remarks pages 10 and 11).

As to argument (1), Examiner again agrees that Hassenboehler et al. explicitly discloses the use of their cover for “protective apparel” with examples that are medical in nature. However, Hassenboehler et al. states that because of the covers properties it is “ideally suite[d] for a variety of end use applications such as protective apparel . . . ” (Hassenboehler et al. at col. 4 lines 61-62). Examiner again considers the medical uses as only possible uses and not limiting. Because the properties of the cover are, *inter alia*, elastic recovery, strength, breathability, and

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barrier properties Examiner considers the cover an obvious laminated nonwoven web to make into agricultural covers.

As to argument (2), Examiner considers the laminate of Hassenboehler et al. to be comprised of a cellulose layer and a thermoplastic layer (col. 5 lines 5-17 where a "first layer," a "second layer," and a "third layer" are disclosed. only one layer is limited to cellulose. Since Applicant uses the open transitional verb "comprising" in the claims the broadest interpretation of the language would not preclude a multilayered laminate with cellulose as one layer.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hironaka et al. and Watanabe et al. disclose in the art/prior art various covers. Ruiz et al. is the instant application's pre-grant publication.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner